

AMENDED IN SENATE AUGUST 18, 2011

AMENDED IN SENATE JULY 6, 2011

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 28

Introduced by Assembly Member Huber

December 6, 2010

An act to amend Sections ~~9148~~ *9148*, *9148.6*, and 9148.8 of, to repeal Section 3119.2 of, and to repeal Article 2 (commencing with Section 3113) of Chapter 8.5 of Division 4 of Title 1 of, the Government Code, and to amend Sections 4004, 8000, 8001, and 8052 of, to repeal Sections 495, 8002, and 8051 of, and to repeal Chapter 3 (commencing with Section 2600) of Division 2 of, the Vehicle Code, relating to governmental reorganization.

LEGISLATIVE COUNSEL'S DIGEST

AB 28, as amended, Huber. Governmental reorganization.

(1) Existing law establishes the Office for Citizen Initiative and Voluntary Action within the office of the Governor, and grants it certain powers and duties for the purpose of advocating and encouraging citizen initiative and volunteer action.

This bill would repeal the statutes establishing the Office for Citizen Initiative and Voluntary Action within the office of the Governor, and make various conforming changes.

(2) Existing law requires the author or sponsor of legislation that creates a new state board, a new state board that is advisory only, or a new category of licensed professionals to prepare a plan that contains certain requirements. Existing law authorizes the chairperson of the appropriate policy committee to direct the Joint Committee on Boards, Commissions, and Consumer Protection to evaluate a plan prepared pursuant to ~~either of those~~ *these* provisions. Existing law requires these provisions to apply to any state board that is proposed for creation by the Legislature on or after January 1, 1991, or any category of licensed professional that is proposed for creation by the Legislature on or after January 1, 1995.

This bill would, instead, require these provisions to apply only to any state board or category of licensed professional proposed for creation by the Legislature.

This bill would provide that an author or sponsor of legislation that creates a new state board that is advisory only and whose purpose is to advise on the licensing and regulation of a profession is not required to prepare a plan pursuant to these provisions.

This bill would also revise these provisions to ~~require that~~ *authorize* the appropriate policy committee of the Legislature evaluate a plan prepared pursuant to the provisions described above. This bill would also authorize the chairperson of a policy committee to alternatively require that the Joint Sunset Review Committee evaluate and provide recommendations on any plan prepared pursuant to the provisions described above, or any other legislative issue or proposal to create a new state board. This bill would provide that if the appropriate policy committee does not evaluate a plan prepared pursuant to those provisions, the Joint Sunset Review Committee is required to evaluate and provide recommendations on that plan.

(3) Existing law establishes the Reciprocity Commission composed of the Lieutenant Governor, the Director of Motor Vehicles, the Director of Transportation, the Controller, and the Commissioner of the California Highway Patrol for the purpose of, among other things, entering into agreements with foreign jurisdictions that provide for the exemption of fees for commercial vehicles if the foreign jurisdictions provide equivalent exemptions to vehicles registered in California.

Existing law authorizes the Reciprocity Commission to enter into agreements on behalf of the State of California with the duly authorized representatives of any foreign jurisdiction providing for the registration of vehicles on an apportionment or allocation basis and to enter into,

and become, a member of the International Registration Plan Agreement developed by the American Association of Motor Vehicle Administrators.

The bill would instead authorize the Director of Motor Vehicles, or his or her designee, to enter into agreements on behalf of the state with the duly authorized representatives of any foreign jurisdiction.

(4) Under existing law, a commercial motor vehicle registered in a foreign jurisdiction, subject to registration in this state, may, as an alternative to registration in this state secure a temporary registration to operate in this state for a period of not to exceed 90 days, or a trip permit to operate in this state for a period of four consecutive days. This privilege does not extend to a vehicle registered in any jurisdiction with which the state of California does not have vehicle licensing reciprocity, unless the commission extends the privilege, by rule, after hearing.

This bill would delete this prohibition against extending this privilege.

(5) Existing law authorizes the state, in administering the International Registration Plan, to collect all appropriate registration and license fees due other jurisdictions. Existing law provides that foreign jurisdictions that are members of the agreement are authorized to collect all appropriate registration and license fees due to the State of California, and remit those fees to this state pursuant to the terms of the agreement.

Existing law requires the Director of Motor Vehicles to provide such assistance to the commission as it may require.

This bill would delete all references to the “Reciprocity Commission” and instead substitute the Director of Motor Vehicles, or his or her designee, who would administer the terms and conditions of the International Registration Plan and collect all appropriate registration and license fees due other jurisdictions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 2 (commencing with Section 3113) of
- 2 Chapter 8.5 of Division 4 of Title 1 of the Government Code is
- 3 repealed.
- 4 SEC. 2. Section 3119.2 of the Government Code is repealed.
- 5 SEC. 3. Section 9148 of the Government Code is amended to
- 6 read:

1 9148. Any state board or category of licensed professional
2 proposed for creation by the Legislature shall be subject to this
3 article.

4 *SEC. 4. Section 9148.6 of the Government Code is amended*
5 *to read:*

6 9148.6. Prior to consideration by the Legislature of legislation
7 creating a new state board, ~~which~~ *that* is advisory only, *except for*
8 *a proposed new state board whose primary purpose is to advise*
9 *on the licensing and regulation of a profession*, a plan for the
10 establishment and operation of the proposed state board shall be
11 developed by the author or sponsor of the legislation. The plan
12 shall include, but not be limited to, all of the following:

13 (a) A description of the problem that the proposed advisory state
14 board would address.

15 (b) A listing of those currently established state advisory and
16 administrative entities addressing the same or similar problems.

17 (c) The necessary data and other information required in this
18 section shall be provided to the Legislature with the initial
19 legislation and forwarded to the policy committees in which the
20 bill will be heard.

21 ~~SEC. 4.~~

22 *SEC. 5. Section 9148.8 of the Government Code is amended*
23 *to read:*

24 9148.8. (a) The appropriate policy committee of the Legislature
25 ~~shall~~ *may* evaluate a plan prepared pursuant to Section 9148.4 or
26 9148.6. The chairperson of a policy committee may alternatively
27 require that the Joint Sunset Review Committee evaluate and
28 provide recommendations on any plan prepared pursuant to Section
29 9148.4 or 9148.6, or any other legislative issue or proposal to
30 create a new state board.

31 (b) The Joint Sunset Review Committee shall provide to the
32 respective policy and fiscal committees of the Legislature any
33 evaluation and recommendations prepared pursuant to this section.

34 (c) If an appropriate policy committee does not evaluate a plan
35 prepared pursuant to Section ~~9148.4 or~~ 9148.6, then the Joint
36 Sunset Review Committee shall evaluate *the plan* and provide
37 recommendations to the Legislature ~~on any plan prepared pursuant~~
38 ~~to either of those provisions.~~

39 ~~SEC. 5.~~

40 *SEC. 6. Section 495 of the Vehicle Code is repealed.*

1 ~~SEC. 6.~~

2 ~~SEC. 7.~~ Chapter 3 (commencing with Section 2600) of Division
3 2 of the Vehicle Code is repealed.

4 ~~SEC. 7.~~

5 ~~SEC. 8.~~ Section 4004 of the Vehicle Code is amended to read:

6 4004. (a) (1) Commercial motor vehicles meeting the
7 registration requirements of a foreign jurisdiction, and subject to
8 registration but not entitled to exemption from registration or
9 licensing under any of the provisions of this code or any
10 agreements, arrangements, or declarations made under Article 3
11 (commencing with Section 8000) of Chapter 4, may, as an alternate
12 to registration, secure a temporary registration to operate in this
13 state for a period of not to exceed 90 days, or a trip permit to
14 operate in this state for a period of four consecutive days.

15 (2) Each trip permit shall authorize the operation of a single
16 commercial motor vehicle for a period of not more than four
17 consecutive days, commencing with the day of first use and three
18 consecutive days thereafter. Every permit shall identify, as the
19 department may require, the commercial motor vehicle for which
20 it is issued. Each trip permit shall be completed prior to operation
21 of the commercial motor vehicle on any highway in this state and
22 shall be carried in the commercial motor vehicle to which it applies
23 and shall be readily available for inspection by a peace officer.
24 Each permit shall be valid at the time of inspection by a peace
25 officer only if it has been completed as required by the department
26 and has been placed in the appropriate receptacle as required by
27 this section. It is unlawful for any person to fail to comply with
28 the provisions of this section.

29 (b) The privilege of securing and using a trip permit or a
30 temporary registration not to exceed 90 days shall not extend to a
31 vehicle that is based within this state and is operated by a person
32 having an established place of business within this state. For
33 purposes of this paragraph, a commercial motor vehicle shall be
34 considered to be based in this state if it is primarily operated or
35 dispatched from or principally garaged or serviced or maintained
36 at a site with an address within this state.

37 (c) Any trailer or semitrailer identified in paragraph (1) of
38 subdivision (a) of Section 5014.1 that enters the state without a
39 currently valid license plate issued by California or another

1 jurisdiction shall be immediately subject to full identification fees
2 as specified in subdivision (e) of Section 5014.1.

3 ~~SEC. 8.~~

4 *SEC. 9.* Section 8000 of the Vehicle Code is amended to read:

5 8000. The director, or his or her designee, may enter into
6 agreements with foreign jurisdictions that provide for the
7 exemption of fees for commercial vehicles if the foreign
8 jurisdictions provide equivalent exemptions to vehicles registered
9 in this state. The agreements shall be applicable to vehicles that
10 are properly licensed and registered in the foreign jurisdictions.
11 The director, or his or her designee, may also enter into agreements
12 that provide for the exemption of regulatory fees which are, or
13 may be, imposed, by the Public Utilities Code or the department.

14 ~~SEC. 9.~~

15 *SEC. 10.* Section 8001 of the Vehicle Code is amended to read:

16 8001. The director, or his or her designee, is authorized to
17 examine the legal requirements of commercial vehicle registration
18 fee statutes of foreign jurisdictions which grant reciprocal
19 privileges to out-of-state vehicles, but which do not authorize
20 negotiations or execution of agreements. After examination of the
21 statutes, the director, or his or her designee, may declare the
22 exemptions, benefits, and privileges that commercial vehicles
23 registered in foreign jurisdictions shall be entitled to in this state.

24 ~~SEC. 10.~~

25 *SEC. 11.* Section 8002 of the Vehicle Code is repealed.

26 ~~SEC. 11.~~

27 *SEC. 12.* Section 8051 of the Vehicle Code is repealed.

28 ~~SEC. 12.~~

29 *SEC. 13.* Section 8052 of the Vehicle Code is amended to read:

30 8052. (a) The director, or his or her designee, may, on behalf
31 of the state, enter into, and become, a member of the International
32 Registration Plan Agreement developed by the American
33 Association of Motor Vehicle Administrators. The director, or his
34 or her designee, may adopt rules and regulations necessary to carry
35 out the provisions of the International Registration Plan or other
36 apportioned registration agreements entered into under the authority
37 of this article.

38 (b) In administering the International Registration Plan, the state
39 may collect all appropriate registration and license fees due other
40 jurisdictions. Foreign jurisdictions that are members of the

1 agreement shall be authorized to collect all appropriate registration
2 and license fees due to the State of California, and remit the fees
3 to this state pursuant to the terms of the agreement.

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